

THIRTY-SIXTH DAY.

Senate Chamber,
Austin, Texas,

Tuesday, February 26, 1907.

Senate met pursuant to adjournment.
Lieutenant Governor A. B. Davidson
in the chair.

Roll call, quorum present, the follow-
ing answering to their names:

Alexander.	Hudspeth.
Barrett.	Kellie.
Brachfield.	Looney.
Chambers.	Masterson.
Cunningham.	Mayfield.
Faust.	Murray.
Glasscock.	Paulus.
Green.	Senter.
Greer.	Skinner.
Griggs.	Stone.
Grinnan.	Terrell.
Harbison.	Veale.
Holsey.	Watson.

Absent.

Harper.	Smith.
Meachum.	Willacy.

Absent—Excused.

Stokes.

Prayer by the Chaplain, Rev. H. M.
Sears.

Pending the reading of the Journal
of yesterday, on motion of Senator
Faust, the same was dispensed with.

(See Appendix for committee reports,
petitions and memorials.)

EXCUSED.

On motion of Senator Chambers, Sen-
ator Willacy was excused from attend-
ance upon the Senate for yesterday and
today on account of sickness.

On motion of Senator Looney, Sen-
ator Paulus was excused from attend-
ance upon the Senate yesterday on ac-
count of sickness.

On motion of Senator Terrell, Sen-
ator Griggs was excused from attend-
ance upon the Senate yesterday on ac-
count of business.

BILLS AND RESOLUTIONS.

By Senator Green:

Senate bill No. 214. A bill to be en-
titled "An Act to provide for the pub-
lication of the Appellate Court Reports,
and providing for an emergency."

Read first time, and referred to Judi-
ciary Committee No. 1.

By Senator Paulus:

Senate bill No. 215. A bill to be en-
titled "An Act to amend Article 2312,
relating to evidence as set forth in an
act to adopt and establish the Revised
Civil Statutes of the State of Texas,
passed at the Regular Session of the
Twenty-fourth Legislature of Texas."

Read first time, and referred to Judi-
ciary Committee No. 1.

By Senator Hudspeth:

Senate bill No. 216. A bill to be en-
titled "An Act to permit the owners of
land or lots heretofore sold to the
State, or to any county, city or town,
to redeem the same within two years
from the time this act goes into effect,
by the payment of taxes, penalties, in-
terest and costs."

Read first time, and referred to Com-
mittee on State Affairs.

By Senator Grinnan (by request):

Current Resolution No. 2. Whereas,
the Democratic party in Texas, in con-
vention assembled in the city of Dallas,
on the 15th day of August, A. D. 1906,
adopted the following resolution:

Judge Reagan's Papers.

Hon. Bob Harvey of Waco offered the
following, which was adopted:

Resolved by the Democrats of Texas
in convention assembled, That it rec-
ommend to the Thirtieth Legislature of
the State of Texas to make appropriate
provisions for the purchase of the
papers, correspondence and books of his-
toric importance left by our distin-
guished and patriotic citizen, Judge
John H. Reagan, and now belonging to
his estate; therefore, be it

Resolved by the Senate of Texas, the
House of Representatives concurring,
That the sum of ten thousand dollars
(\$10,000), or so much thereof as may
be necessary, and the same is hereby
appropriated out of any money in the
State Treasury not otherwise appro-
priated to carry out said resolution and
secure such of said papers, correspond-
ence and books as can be secured from
the estate or family of Judge John H.
Reagan, deceased.

Read first time, and referred to
Finance Committee.

By Senators Looney, Greer and Green:

Senate Concurrent Resolution No. 3.
Resolved by the Senate, the House con-
curring, that the Regular Session of the
Thirtieth Legislature stand adjourned,
sine die, at 12 o'clock noon, Saturday,
April 6, 1907.

Read first time, and laid on President's table subject to call.

Morning call concluded.

MESSAGE FROM THE GOVERNOR.

Executive Office, State of Texas,
Austin, Texas, February 26, 1907.

To the Senate:

The advice and consent of the Senate is requested to the following appointments:

E. B. Muse as judge of the Forty-fourth Judicial District of Texas, in place of Judge Richard Morgan, deceased.

W. W. Nelms, to be judge of the Criminal District Court of Dallas county, Texas, vice E. B. Muse, resigned.

T. M. CAMPBELL,
Governor.

EXECUTIVE SESSION—TIME SET FOR.

Senator Senter moved that the Senate hold executive session today at 10:45 o'clock for the purpose of considering the above appointments.

The motion was unanimously adopted by the following vote:

Yeas—25.

Alexander.	Kellie.
Barrett.	Looney.
Brachfield.	Masterson.
Chambers.	Mayfield.
Cunningham.	Murray.
Faust.	Paulus.
Glasscock.	Senter.
Green.	Skinner.
Greer.	Stone.
Griggs.	Terrell.
Grinnan.	Veale.
Holsey.	Watson.
Hudspeth.	

Absent.

Harbison.	Smith.
Harper.	Willacy.
Meachum.	

Absent—Excused.

Stokes.

SENATE BILL NO. 19—PRIVILEGE MOTION.

Senator Looney renewed his motion of yesterday that the Senate refuse to concur in the House amendments to Senate bill No. 19, and ask for a free conference committee. (See Journal of yesterday, page 403, for proceedings of same.)

The motion to non-concur was adopted.

SENATE JOINT RESOLUTION NO. 12.

On motion of Senator Stone the pending order of business (Senate bill No. 63) was suspended, and the Senate took up, out of its order, Senate Joint Resolution No. 12.

The Chair laid before the Senate, on third reading,

Senate Joint Resolution No. 12, To amend Section 51 of Article 3 of the Constitution of the State of Texas, as amended in 1903, so as to authorize the grant of aid in the establishment and maintenance of a home for the disabled and dependent wives and widows of Confederate soldiers and sailors, and such women as aided the Confederacy, and making an appropriation.

The resolution was read third time, and passed by the following vote:

Yeas—26.

Alexander.	Hudspeth.
Barrett.	Kellie.
Brachfield.	Looney.
Chambers.	Masterson.
Cunningham.	Mayfield.
Faust.	Murray.
Glasscock.	Paulus.
Green.	Senter.
Greer.	Skinner.
Griggs.	Stone.
Grinnan.	Terrell.
Harbison.	Veale.
Holsey.	Watson.

Absent.

Harper.	Smith.
Meachum.	

Absent—Excused.

Stokes.	Willacy.
---------	----------

SENATE BILL NO. 63.

The Chair laid before the Senate on second reading and special order,

Senate bill No. 63, A bill to be entitled "An Act to amend Sections 36, 37 and 40 of Chapter 124 of the Acts of the Regular Session of the Twenty-ninth Legislature, relating to county supervision of public schools."

On motion of Senator Barrett the bill was laid on the table subject to call.

HOUSE JOINT RESOLUTION NO. 7—REFUSE TO TAKE UP.

Senator Grinnan moved that the special order of business (Senate bill No. 26) be suspended, and the Senate take up, out of its order, House Joint Resolution No. 7.

The motion was lost by the following vote, a two-thirds vote being necessary:

Yeas—5.

Grinnan.	Kellie.
Harbison.	Senter.
Hudspeth.	

Nays—21.

Alexander.	Looney.
Barrett.	Masterson.
Brachfield.	Mayfield.
Chambers.	Murray.
Cunningham.	Paulus.
Faust.	Skinner.
Glasscock.	Stone.
Green.	Terrell.
Greer.	Veale.
Griggs.	Watson.
Holsey.	

Absent.

Harper.	Smith.
Meachum.	

Absent—Excused.

Stokes.	Willacy.
---------	----------

EXECUTIVE SESSION.

The Chair here announced that the hour of 10:45 o'clock had arrived, said time having been previously designated as the time for the Senate to consider the appointments sent to the Senate by the Governor today. The Sergeant-at-Arms was instructed to clear the Senate Chamber of all visitors, etc.

IN EXECUTIVE SESSION.

In executive session the following confirmations were had:

E. B. Muse, as judge of the Forty-fourth Judicial District of Texas.

W. W. Nelms, to be judge of the Criminal District Court of Dallas county, Texas.

IN THE SENATE.

SENATE BILL NO. 26.

The Chair laid before the Senate, on second reading and special order,

Senate bill No. 26, A bill to be entitled "An Act to repeal Chapter 12, of the General Laws of Texas, passed by the Twenty-seventh Legislature, page 12, Laws of 1901, and to pass in lieu thereof of this act; to create a Board of Medical Examiners for the examination and licensing of all physicians, surgeons and obstetricians; to prescribe their qualifications; to provide for their proper registration, the revocation of their licenses

for flagrant offenses, and to fix suitable penalties for illegal practice."

Senator Alexander offered the following amendment:

Amend Senate bill No. 26 by striking out all of Section 1, after the word "established," in line 15, and inserting the following words: "Said board shall consist of thirteen men learned in medicine, legal and active practitioners in the State of Texas, who shall have resided and practiced medicine in this State under a diploma from a legal and reputable college of medicine of the school to which said practitioner shall belong for more than three years prior to their appointment, and no school shall have a majority representation on said board. Said board shall be appointed by the Governor of this State within ninety days after his inauguration and the term of office of its members shall be two years, or until their successors shall be appointed and qualified. No member of said board shall be a stockholder or a member of the faculty or a board of trustees of any medical school. Vacancies occurring in the board shall be filled by the Governor. The word 'medicine' as used in this section shall have the same meaning and scope as given to it in Section 13 of this act."

Senator Looney offered the following amendment to the amendment:

Amend the amendment by striking out "thirteen" and insert in lieu thereof "ten." The amendment to the amendment was lost by the following vote:

Yeas—10.

Barrett.	Paulus.
Brachfield.	Senter.
Grinnan.	Skinner.
Looney.	Terrell.
Mayfield.	Watson.

Nays—16.

Alexander.	Harbison.
Chambers.	Holsey.
Cunningham.	Hudspeth.
Faust.	Kellie.
Glasscock.	Masterson.
Green.	Murray.
Greer.	Stone.
Griggs.	Veale.

Absent.

Harper.	Smith.
Meachum.	

Absent—Excused.

Stokes.	Willacy.
---------	----------

Question then recurred on the amendment by Senator Alexander, and

Senator Skinner offered the following amendment to the amendment, which was adopted:

Amend the amendment by striking out the word "thirteen" and insert in lieu thereof "eleven."

Question then being on the amendment, as amended, the same was adopted.

Senator Stone offered the following amendment, which was adopted:

Amend Section 6, page 3, line 31, by striking out the words "their right to legally practice medicine under previous laws or affidavits from persons competent to establish such legality," and insert in lieu thereof the following: "the existence and validity of such diplomas or of the valid and existing license heretofore issued by previous examining boards of this State, or exemption existing under any law."

Senator Glasscock offered the following amendment:

Amend by adding after the word "received," in line 12, Section 10, page 6, the following words: "nor to those who practice magnetic healing without the use of medicine or surgery."

GLASSCOCK,
GRIGGS,
CUNNINGHAM.

Senator Looney moved to table the amendment.

RECESS.

On motion of Senator Hudspeth the Senate, at 1 o'clock p. m. recessed until 2:30 o'clock.

AFTER RECESS.

The Senate was called to order by Lieutenant-Governor Davidson.

SENATE BILL NO. 26.

Action recurred on Senate bill No. 26, the question being on the motion by Senator Looney to table the amendment.

The motion to table was adopted by the following vote:

Yeas—15.

Barrett.	Masterson.
Brachfield.	Mayfield.
Chambers.	Paulus.
Faust.	Senter.
Green.	Skinner.
Grinnan.	Veale.
Holsey.	Watson.
Looney.	

Nays—9.

Alexander.	Glasscock.
Cunningham.	Greer.

Griggs.
Harbison.
Hudspeth.

Murray.
Stone.

Absent.

Harper.
Kellie.
Meachum.

Smith.
Terrell.

Absent—Excused.

Stokes.

Willacy.

Senator Senter offered the following amendment:

Amend Section 9, page 5, by adding after the words "medical jurisprudence," in line 25, the following words:

"Provided, that each school of medicine which has a State organization in Texas shall have the right, through said State organization or its duly authorized officers, to propose additional subjects upon which candidates for medical licenses may, upon their own application, be examined, and when such additional examination is taken, and a license is granted to the applicant the certificate thereof shall recite the pertinent facts showing the results of said additional examination."

On motion of Senator Skinner, the amendment was tabled.

Senator Cunningham offered the following amendment:

Amend by adding to Section 13, page 7, the following words: "Provided, the provisions of this act shall not apply to any magnetic healer who has been practicing his or her profession fifteen years in this State prior to the taking effect of this act."

CUNNINGHAM,
GLASSCOCK,
GRIGGS,
KELLIE.

Senator Looney moved to table the amendment, which motion to table was adopted by the following vote:

Yeas—14.

Barrett.	Mayfield.
Brachfield.	Paulus.
Chambers.	Senter.
Faust.	Skinner.
Green.	Terrell.
Grinnan.	Veale.
Looney.	Watson.

Nays—9.

Alexander.	Holsey.
Cunningham.	Hudspeth.
Glasscock.	Kellie.
Greer.	Stone.
Griggs.	

Absent.

Harbison.	Meachum.
Harper.	Murray.
Masterson.	Smith.

Absent—Excused.

Stokes.	Willacy.
---------	----------

Senator Alexander offered the following amendment:

Amend Senate bill No. 26, as follows: Add to Section 10, after the words "publicly represent themselves as such," in line 6, page 6, the following: "Nor to certified members of regularly organized churches, who include in the exercise of their religious faith healing the sick by purely spiritual means without the use of drugs or any material methods; provided, such persons shall not practice midwifery, visit patients suffering with contagious diseases, or undertake the treatment of injuries requiring the services of a surgeon without the co-operation of a surgeon."

Senator Looney moved to table the amendment, which motion was adopted by the following vote:

Yeas—13.

Barrett.	Mayfield.
Brachfield.	Senter.
Green.	Skinner.
Grinnan.	Terrell.
Holsey.	Veale.
Looney.	Watson.
Masterson.	

Nays—13.

Alexander.	Harbison.
Chambers.	Hudspeth.
Cunningham.	Kellie.
Faust.	Murray.
Glasscock.	Paulus.
Greer.	Stone.
Griggs.	

Absent.

Harper.	Smith.
Meachum.	

Absent—Excused.

Stokes.	Willacy.
---------	----------

The vote being a tie, Lieutenant-Governor Davidson voted "aye" and declared the motion to table adopted.

Senator Greer offered the following amendment:

Amend the bill by striking out the word "six" in line 31, page 1, of the printed bill, and insert in lieu thereof the word "eight."

Senator Looney moved to table the amendment, which motion was adopted.

Here Senator Chambers made the point of order that the motion to table the amendment by Senator Alexander was lost in that the vote was a tie, making the point that the Lieutenant-Governor would not be allowed to vote off a tie on a motion to table.

The point of order was overruled.

Senator Looney moved to reconsider the vote by which the amendment by Senator Alexander was tabled and lay that motion on the table.

The motion to table prevailed.

Senator Stone offered the following amendment, which was adopted:

Amend Section 6, page 3, line 28, by inserting after the word "law" the following: "Or under diplomas of a reputable and legal college of medicine."

Senator Hudspeth offered the following amendment, which was adopted:

Amend Senate bill No. 26 by striking out the word "or" in line 15, page 7, and insert in lieu thereof the word "and."

Senator Holsey offered the following amendment:

Amend the bill, Section 1, at the end of line 20, by adding the following: "From a list of ten physicians which shall be furnished by the Presidents of the State Associations of each legally recognized school of medicine in the State. Said list shall be selected by the various State Associations."

Senator Stone offered the following substitute for the amendment:

Amend the bill, Section 1, at the end of line 20, by adding the following: "Amend the bill by providing that each regularly organized State Association of practicing physicians that comes under the provisions of this bill shall furnish the Governor ten names from each such State Association of practicing physicians from whom the appointments of this board shall be selected."

Senator Holsey moved to table the substitute amendment, which motion was lost by the following vote:

Yeas—8.

Glasscock.	Hudspeth.
Grinnan.	Senter.
Harbison.	Skinner.
Holsey.	Terrell.

Nays—18.

Alexander.	Greer.
Barrett.	Griggs.
Brachfield.	Kellie.
Chambers.	Looney.
Cunningham.	Masterson.
Faust.	Mayfield.
Green.	Murray.

Paulus. Veale.
Stone. Watson.

Absent.

Harper. Smith.
Meachum.

Absent—Excused.

Stokes. Willacy.

The question then being on the substitute amendment, and

Senator Looney moved to table the amendment and the substitute, which motion was lost by the following vote:

Yeas—5.

Brachfield. Skinner.
Looney. Watson.
Paulus.

Nays—21.

Alexander. Holsey.
Barrett. Hudspeth.
Chambers. Kellie.
Cunningham. Masterson.
Faust. Mayfield.
Glasscock. Murray.
Green. Senter.
Greer. Stone.
Griggs. Terrell.
Grinnan. Veale.
Harbison.

Absent.

Harper. Smith.
Meachum.

Absent—Excused.

Stokes. Willacy.

Question then being on the substitute amendment, the same was adopted.

The amendment, as substituted, was then adopted.

Senator Skinner offered the following amendment, which was adopted:

Amend the bill by inserting after "persons," in line 13, page 6, the following: "Other than licensed druggists of this State."

Senator Grinnan offered the following amendment, which was adopted:

Amend by adding after Section 15 the following:

"Sec. 16. Any person practicing medicine in this State, who shall procure from another, any money, property, obligation, contract, or other thing of value, by making any false or fraudulent representation, statement or promise, and fails or refuses to return such money, property, obligation, contract or other thing of value to the person from whom it was so procured, shall be

guilty of a misdemeanor and upon conviction shall be fined in any sum not less than \$100 nor more than \$500, and such person may be tried or prosecuted in the county where the person so defrauded resides, and in addition thereto a judgment may be rendered in said case forfeiting the license of such physician to practice medicine."

And amend by changing the succeeding Section 16 to Section 17.

REFUSED TO ADJOURN.

Senator Harbison moved that the Senate adjourn until tomorrow morning at 9:30 o'clock. The motion was lost by the following vote:

Yeas—1.

Glasscock.

Nays—25.

Alexander. Kellie.
Barrett. Looney.
Brachfield. Masterson.
Chambers. Mayfield.
Cunningham. Murray.
Faust. Paulus.
Green. Senter.
Greer. Skinner.
Griggs. Stone.
Grinnan. Terrell.
Harbison. Veale.
Holsey. Watson.
Hudspeth.

Absent.

Harper. Smith.
Meachum.

Absent—Excused.

Stokes. Willacy.

Senator Looney offered the following amendment, which was adopted:

Amend the bill by striking out of line 15, Section 14, page 7, the following: "Both fine and."

Senator Looney offered the following amendment, which was adopted:

Amend the bill, Section 5, page 3, by striking out of line 19 the following language: "Violations of the" and insert in lieu thereof "knowingly violating any of the."

Senator Alexander offered the following amendment:

Amend the bill by inserting after the word "patients," line 28, page 6, by adding the words "provided that any applicant who may be refused admittance to examination before said board shall have his right of action to have such issue tried in the district court of the county of his residence."

Senator Looney offered the following amendment to the amendment:

Amend the amendment by making the venue of any such suit in the county of the residence of some member of the board, and change the language of the amendment to conform."

The amendment to the amendment was adopted by the following vote:

Yeas—13.

Barrett.	Looney.
Brachfield.	Mayfield.
Cunningham.	Paulus.
Faust.	Senter.
Green.	Stone.
Greer.	Watson.
Grinnan.	

Nays—12.

Alexander.	Kellie.
Glasscock.	Masterson.
Griggs.	Murray.
Harbison.	Skinner.
Holsey.	Terrell.
Hudspeth.	Veale.

Absent.

Chambers.	Meachum.
Harper.	Smith.

Absent—Excused.

Stokes.	Willacy.
---------	----------

The amendment, as amended, was then adopted.

(Senator Griggs in the chair.)

Senator Holsey offered the following amendment:

Amend the bill on page 4, line 31, by striking out the word "fifteen" and inserting in lieu thereof "ten."

Senator Looney moved to table the amendment, which motion was adopted.

Senator Kellie offered the following amendment, which was adopted:

Amend Section 1, line 16, by striking out the word "legalized" and inserting the word "legal" in lieu thereof.

Senator Kellie offered the following amendment, which was adopted:

Amend Section 1, line 18, by inserting after the word "State" the following: "Under a diploma of a legal and reputable college of medicine of the school to which said practitioner shall belong."

Senator Green offered the following amendment, which was adopted:

Amend by adding Section 18 to the bill, as follows:

"Sec. 18. The fact that there is now no law properly regulating the practice of medicine in this State creates an imperative public necessity that the con-

stitutional rule requiring bills to be read on three several days be suspended, and the same is done and that this act take effect and be in force from and after its passage."

(Lieutenant Governor Davidson in the chair.)

Senator Senter offered the following amendment:

Amend Senate bill No. 26, Section 13, page 7, by striking out all of said section after the words "physician or surgeon," in line 9, and adding in lieu thereof the following words: "Or shall treat or offer to treat any disease, or disorder, mental or physical, deformity, or injury by any system or method, or to effect cures thereof, and charge therefor directly or indirectly money or other compensation."

Senator Looney moved the previous question on the amendment and engrossment of the bill, which, being duly seconded, was ordered.

The amendment by Senator Senter was then adopted.

Bill read second time, and ordered engrossed.

On motion of Senator Looney, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—25.

Alexander.	Kellie.
Barrett.	Looney.
Brachfield.	Masterson.
Chambers.	Mayfield.
Cunningham.	Murray.
Faust.	Paulus.
Glasscock.	Senter.
Green.	Skinner.
Greer.	Stone.
Griggs.	Terrell.
Grinnan.	Veale.
Holsey.	Watson.
Hudspeth.	

Nays—1.

Harbison.

Absent.

Harper.	Smith.
Meachum.	

Absent—Excused.

Stokes.	Willacy.
---------	----------

Senator Stone offered the following amendment:

Amend the bill by inserting between the words "no" and "school" the word "one."

The amendment was adopted by the following vote:

Yeas—25.

Alexander.	Kellie.
Barrett.	Looney.
Brachfield.	Masterson.
Chambers.	Mayfield.
Cunningham.	Murray.
Faust.	Paulus.
Glasscock.	Senter.
Green.	Skinner.
Greer.	Stone.
Griggs.	Terrell.
Grinnan.	Veale.
Holsey.	Watson.
Hudspeth.	

Nays—1.

Harbison.

Absent.

Harper.	Smith.
Meachum.	

Absent—Excused.

Stokes.	Willacy.
---------	----------

The bill was read third time, and passed.

Senator Looney moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

FREE CONFERENCE COMMITTEE
—APPOINTMENT OF.

The Chair here announced the appointment of the following Free Conference Committee on Senate bill No. 19:

Senators Skinner, Green, Cunningham, Watson and Looney.

BILLS SIGNED BY THE CHAIR.

The Chair (Lieutenant Governor Davidson) gave notice of signing, and did sign in the presence of the Senate, after their captions had been read.

Senate bill No. 90, "An Act to amend Chapter 80 of an act passed by the Twenty-sixth Legislature at its Regular Session of 1899, and amended by an act passed by the Twenty-eighth Legislature at its Regular Session, entitled 'An Act to create a more efficient road system for Wharton county and Lavaca county, in the State of Texas, and making county commissioners of said counties ex officio road commissioners, prescribing their duties, etc.'"

Senate bill No. 92, "An Act to incorporate Wellington school district, in Collingsworth county, as an independent school district, and to provide for the election of trustees, raising revenue by

taxation, issuing bonds and maintaining public free schools."

Senate bill No. 33, "An Act to consider the power of eminent domain upon interurban electric railway companies, to regulate the exercise thereof, to permit such companies to construct their railways along and across highways, steam railways, roads, canals, streets, streams, bays, navigable waters and arms of the sea, and to regulate the manner thereof; providing for the making this law accumulative of the General Laws of the State of Texas, and providing an emergency."

Senate bill No. 139, "An Act to authorize, enable and permit the territory situated within the bounds of the town of Tulia, in the county of Swisher, and State of Texas, and other land and territory adjacent thereto, to incorporate as an independent school district for free school purposes only, to be known as the Tulia Independent School District, with all the powers, rights and duties of independent school districts formed by incorporation of towns and villages for free school purposes only."

Senate bill No. 161, "An Act to authorize, enable and permit the territory situated within the bounds of the city of Hallettsville, in the county of Lavaca, and the State of Texas, and other lands and territory adjacent thereto, to incorporate as an independent school district for free school purposes only, to be known as the Hallettsville Independent School District, with all the powers, rights and duties of independent school districts formed by incorporation of towns and villages for free school purposes only, and declaring an emergency."

Senate bill No. 69, "An Act to repeal Chapter 32 of the Acts of the Twenty-eighth Legislature, page 241, entitled 'An Act to create a more efficient road law for Henderson county, Texas.'"

REASONS FOR ABSENCE.

I was absent on yesterday on account of sickness in my family and particularly because of the presence of a specialist visiting a member of my family.

I wish to state further that had I been present I would have voted for the substitute resolution offered by Senators Hudspeth, Looney and others exonerating Senator J. W. Bailey.

PAULUS.

ADJOURNMENT.

On motion of Senator Cunningham, the Senate, at 5:45 o'clock p. m. adjourned until tomorrow morning at 10 o'clock.

APPENDIX.

PETITIONS.

Senator Stone offered the following petition from citizens of Crawford, Lorena, Waco and McGregor, Texas:

To the Honorable Legislature of Texas:

Your undersigned subscribers believe that some legislative action is necessary to check the alarming growth of gambling in futures, and at the same time we do not wish to deprive ourselves of the benefit of the market information. We therefore respectfully request that you adopt some legislation, such as the McGregor-Watson bill now before the Legislature, which will remove gambling from future dealing and leave the legitimate features unchanged, which we believe to be beneficial.

Numerously signed by citizens from each of the above named places.

By Senator Terrell:

We, the undersigned citizens of Marion county, being vitally interested in the cotton crop of Texas, earnestly petition our representatives in the House and Senate to support the Jenkins-Mayfield bill for the suppression of gambling in cotton and other farm products and for the regulation of the cotton exchanges of the country.

One hundred and thirty-five signatures.

By Senator Hudspeth:

To the Legislature of Texas:

We, the undersigned citizens of Texas, petition your honorable body to promptly enact into law the Mayfield-Jenkins bill, which will stop and hereafter prevent gambling in cotton futures, which is so destructive of the moral and commercial interests of our citizens.

Numerously signed.

By Senator Glasscock:

Hutto and Taylor, Williamson County, Texas, February 16, 1907.

To the Honorable Legislature of Texas:

Your subscribers, undersigned, believe that some legislative action is necessary to check the alarming growth in futures, but at the same time we do not wish to deprive ourselves of the benefits of the market information. We therefore respectfully request that you adopt some legislation, such as the McGregor-Watson bill, now before the Legislature, which will remove gambling from the future dealings and leave the legitimate

features unchanged, which, we believe, will be beneficial.

Numerously signed by citizens of both named places.

By Senator Harbison:

Howe, Texas, February 21, 1907.

To the Hons. J. L. Harbison, B. F. Gafford, J. A. L. Wolfe and W. S. Moore, Members of the Senate and Legislature, Austin, Texas.

Gentlemen: Our attention has been called to House bill No. 393, by Mr. Briscoe, the subject of which we understand is to compel all dealers in grain, hay, wool, cotton, etc., to have the various commodities mentioned in said bill, weighed on public scales when purchased by them, and fixing a penalty for each violation.

We respectfully desire to enter our protest against the enactment of such a law for the following reasons: In a large majority of cases the sellers are perfectly willing to have their grain, etc., weighed by dealers to whom they sell. If they are not willing, it is their duty, as well as privilege, to insist on weighing elsewhere. We would favor a law providing that the seller could compel the dealer to settle by official public weights, provided he so desires, and provided further, that scales by such public weigher are kept in good order. It would be an injustice to the dealer to be compelled to settle on incorrect weights. It is a well known fact that very few public scales are kept in good order. It is not infrequently the case that too little grain and other commodities mentioned in the proposed law, are brought to markets to justify a public weigher in staying or keeping a deputy at the scales, and we have seen farmers and others running over town hunting the public weigher during dull seasons, greatly to their inconvenience. It would be very inconvenient for a large per cent of the farmers to have to drive to any certain point to weigh.

We have also known it to be the case that the farmers and sellers themselves would very much rather weigh anywhere else, either buying or selling, than on public scales.

We submit further that it should not be made illegal for any owner of scales to weigh for, or allow their friends and customers to weigh for themselves, either free or for any mutually satisfactory compensation, when they desire so to do.

Our attention has also been called to a bill by Mr. Holsey, looking to the establishment of a Department of Agricultural Bureau of Cotton Statistics, re-

quiving cotton ginner to make reports, compelling county clerks to furnish lists of gins, and providing further for estimates being made and published monthly of the cotton crop, etc.

We respectfully submit that the grain business is of sufficient magnitude and importance to deserve as much recognition as the cotton business, and we would respectfully beg that same provisions be made for statistics on grain, hay, etc., as are made for the cotton crop.

Numerously signed.

COMMITTEE REPORTS.

Committee Room,
Austin, Texas, February 25, 1907.

Hon. A. B. Davidson, President of the Senate, and Hon. Thos. B. Love, Speaker of the House of Representatives.

Sirs: We, your joint Committee on Rules, respectfully submit the following amendments to the Senate and House Rules:

Amend Rule XXVIII of the Senate Rules by adding at the end thereof the following:

"And it shall be the duty of each committee of the Senate when there has been referred to it or is before it for consideration a Senate bill and a House bill containing the same subject, to first consider and report upon the House bill."

Also add to Rule XXIIa of the Senate Rules the following:

"When any Senate bill shall be reached upon the calendar or shall be before the Senate for consideration, it shall be the duty of the President to give the place of such bill on the calendar to any House bill which has been referred to and reported from a committee of the Senate containing the same subject, or to lay such House bill before the Senate to be considered in lieu of such Senate bill."

Also by adding to Rule XXX of the Senate Rules, after the word "Legislature," the following:

"And no vote shall be taken upon the passage of any bill within the last twenty-four hours of the session, unless it be to correct an error therein."

Also add to Section 11, Division 2a of the House Rules, the following:

"On Wednesday and Thursday of each week only House bills on their third and second reading respectively shall be taken up and considered until disposed of, and in case one should be pending at adjournment on Thursday, it shall go

over until the succeeding day, Friday, until disposed of."

Also by adding to Rule IX, Section 5, of the House Rules, the following:

"But it shall be the duty of each committee of the House when there has been referred to it or is before it for consideration a House bill and a Senate bill containing the same subject, to first consider and report upon the Senate bill."

"When any House bill shall be reached upon the calendar or shall be before the House for consideration, it shall be the duty of the Speaker to give the place of such House bill on the calendar to any Senate bill which has been referred to and reported from a committee of the House containing the same subject, or to lay such Senate bill before the House to be considered in lieu of such House bill."

GREER,
Chairman, Senate Committee.
HAMILTON,
Chairman, House Committee.

(Floor Report.)

Committee Room,
Austin, Texas, February 26, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred

House bill No. 303, A bill to be entitled "An Act creating Uvalde Independent School District, in Uvalde county, and defining its boundaries, providing for a board of trustees to manage and control the public free schools in said district; defining the duties, powers and rights of said board of trustees; providing for the election of said board of trustees, of all necessary officers and committees; authorizing the levy and collection of taxes for the erection, equipment and construction of school buildings, and purchase of sites therefor, and to issue bonds for said purposes; to provide for the levy and collection of taxes for the support and maintenance of public schools in said district; to provide for the collection of the taxes for account of said Uvalde Independent School District of the 20-cent tax levied for years 1906 and 1907, upon the property within said district, and ordering paid to said district such taxes when collected; making this act cumulative of the general laws of this State now in force or that may hereafter be in force; regulating towns and villages incorporated for free school purposes only under the general laws of this State; or cities and towns that have extended their corporation lines for school pur-

poses only, or the boards of trustees thereof, except in case of conflict, when this act shall control; and providing that all general laws of this State not in conflict with this act, regulating towns and villages incorporated under the general laws of this State for free school purposes, or cities and towns that have extended their corporation lines for free school purposes only, shall apply to and govern the said Uvalde Independent School District with like effect as if the said Independent School District had been formed by a town or village incorporating under the general laws of this State or by a city or town extending its corporation lines for school purposes only; and declaring an emergency."

Have had the same under consideration, and are instructed to report it back to the Senate with the recommendation that it do pass.

Barrett, Chairman; Grinnan, Glasscock, Meachum, Senter, Green, Kellie, Paulus.

Committee Room,

Austin, Texas, February 25, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Town and City Corporations, to whom was referred

House bill No. 461, A bill to be entitled "An Act to incorporate the city of Marshall, and to grant it a new charter; and to repeal all pre-existing charters, and declaring an emergency,"

Have had the same under consideration, and recommend that it do pass and be not printed.

Chambers, Chairman; Holsey, Master-son, Alexander, Griggs, Green, Senter.

Committee Room,

Austin, Texas, February 27, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

Senate bill No. 147, A bill to be entitled "An Act to amend Section 17 of Chapter 5 of the Acts of the First Special Session of the Twenty-fifth Legislature, relating to reports of fees of certain officers,"

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do not pass, but that the following substitute do pass:

A bill to be entitled "An Act to amend Sections 11 and 13 and to repeal Section 17, of Chapter 5, of the Acts of the First Special Session of the Twenty-

fifth Legislature, and to amend Section 10, of Chapter 5, of the Acts of the First Special Session of the Twenty-fifth Legislature as amended by Chapter 15 of the Acts of the First Special Session of the Twenty-fifth Legislature relating to the fixing, limitations, regulations of fees of certain officers, and to add thereto certain other officers, and declaring an emergency."

FAUST, Chairman.

S. S. B. No. 147. By Senator Green.

A BILL

To Be Entitled

An Act to amend Sections 11 and 13, and to repeal Section 17 of Chapter 5 of the Acts of the First Special Session of the Twenty-fifth Legislature, and to amend Section 10 of Chapter 5 of the Acts of the First Special Session of the Twenty-fifth Legislature, as amended by Chapter 15 of the Acts of the First Special Session of the Twenty-fifth Legislature, relating to the fixing, limitations, regulation of fees of certain officers and to add thereto certain other officers, and declaring an emergency.

Section 1. That Section 11 of Chapter 5 of the Acts of the First Special Session of the Twenty-fifth Legislature be amended so as to hereafter read as follows, to wit:

Section 11. The amounts accrued to each officer mentioned in Section 10 of this act may be retained out of the fees collected by him under existing laws; but in no case shall the State or the county be responsible for the payment of any sum when the fees collected by any officer are less than the maximum compensation accrued by this act, or be responsible for the pay of any deputy or assistant. Each officer mentioned in the preceding section, and also the sheriff, shall, at the close of each fiscal year, make to the district court of the county in which he resides a sworn statement showing the amount of fees collected by him during the fiscal year and the amount of fees charged and not collected, and by whom due, and the number of deputies and assistants employed by him during the year; and the amounts paid or to be paid each, and all fees collected by officers named in Section 10 of this act during the fiscal year, in excess of the minimum amount allowed and of the one-fourth of the excess of the maximum amount allowed for their services, and for the services of their deputies or assistants hereinafter provided for, shall be paid

to the State Treasurer; provided, that any officer in Section 10 of this act who does not collect the maximum amount of his fees for any fiscal year, and who reports delinquent fees for that year, shall be entitled to retain, when collected, such part of such delinquent fees as is sufficient to complete the maximum compensation for the year in which delinquent fees were charged, and also to retain the one-fourth of the excess belonging to him, and the remainder of the delinquent fees for that fiscal year shall be paid as herein provided for when collected.

Sec. 2. That Section 13 of Chapter 5 of the Acts of the First Special Session of the Twenty-fifth Legislature be amended so as to hereafter read as follows, to wit:

Section 13. All fees due and not collected as shown in the report required by Section 11 of this act shall be collected by the officer to whose office the fees accrued and out of such part of delinquent fees as may be due the county, the officer making such collection shall be entitled to 10 per cent of the amount collected by him, and the remainder shall be paid into the State Treasury, as provided in Section 11 of this act. It shall not be legal for any officer to remit any fee that may be due under the law fixing fees.

Sec. 3. That Section 17 of Chapter 5 of the Acts of the Special Session of the Twenty-fifth Legislature is hereby repealed.

Sec. 4. That Section 10 of Chapter 5 of the Acts of the First Special Session of the Twenty-fifth Legislature as amended by Chapter 15 of the Acts of the First Special Session of the Twenty-fifth Legislature be amended so as to read as follows, to wit:

Section 10. That hereafter the maximum amount of fees of all kinds that may be retained by any officer mentioned in this section as compensation for services, shall be as follows:

County Judge, an amount not exceeding \$2500 per annum.

Clerk of the County Court, an amount not exceeding \$2500 per annum.

County Attorney, an amount not exceeding \$2500 per annum.

District Attorney, an amount not exceeding \$2500 per annum, inclusive of the \$500 allowed by the Constitution and paid by the State.

Clerk of the District Court, an amount not exceeding \$2500 per annum.

Clerk of the Supreme Court, an amount not exceeding \$2500 per annum.

Clerk of the Court of Civil Appeals,

an amount not exceeding \$2500 per annum.

Clerk of the Court of Criminal Appeals, an amount not exceeding \$2500 per annum.

Assessor of Taxes, an amount not exceeding \$2500 per annum, in addition thereto, one-fourth of the excess of the fees collected by the officers, respectively; provided that the County Attorney in those counties having no District Attorney, where he performs the duties of District Attorney, may receive the same compensation as provided for the District Attorney; provided, the maximum fixed for the compensation of the District Attorney shall be construed to be the amount which that officer is authorized to retain of fees allowed such officers in his district, whether composed of one or more counties; provided, that in counties where the County Judge acts as Superintendent of Public Instruction he shall receive such other salary as may be provided by the commissioners court, not to exceed the sum of \$600 per annum.

Sec. 5. The fact that many officers in this State are not now under the fee bill, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, February 25, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Agricultural Affairs, to whom was referred

Senate bill No. 183, A bill to be entitled "An Act to create in the Department of Agriculture of Texas a Bureau of Cotton Statistics; prescribing the duties of the Commissioner of Agriculture, the county clerks, the public ginners, and prescribing penalties for the violation of this act,"

Have had the same under consideration and recommend that it do pass.

Glasscock, Watson, Looney, Skinner, Stone, Harbison.

Committee Room,

Austin, Texas, February 25, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Agriculture, to whom was referred

House bill No. 274, A bill to be entitled "An Act to create a Department of Agriculture, defining its duties, and

providing for the maintenance thereof, and declaring an emergency,"

Have had the same under consideration, and recommend that it do pass.

Glasscock, Skinner, Stone, Murray, Watson, Looney.

Committee Room,

Austin, Texas, February 25, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 198, A bill to be entitled "An Act to amend Articles 5098, 5100, 5120 and 5124 of Chapter 3, Title CIV of the Revised Civil Statutes of 1895, relating to taxation,"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

STONE, Chairman.

Committee Room,

Austin, Texas, February 25, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

House bill No. 91, A bill to be entitled "An Act to amend Articles 1821, 1822, 1823 and 1830 of Title XXXVIII of the Revised Civil Statutes of the State of Texas, relating to escheats, so as to provide more fully when estates shall escheat to and vest in the State, further defining the duties of the district or county attorney, and the district clerk in proceedings for such purpose; providing for personal notice of such escheat proceedings to persons paying taxes and others; designating the nature and effect of the judgment to be rendered therein when in favor of the State; prohibiting sales and issuance of writs of possession within a certain time and providing for divestiture of title acquired by the State; with an emergency clause,"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

STONE, Chairman.

Committee Room,

Austin, Texas, February 25, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

House bill No. 84, A bill to be entitled "An Act to amend Article 388 of the Penal Code of the State of Texas; so

as to make it unlawful to bet at or wager at any gaming table or bank or pigeon hole or jenny lind table, or nine or ten pin alley, such as are mentioned in the six preceding articles, or shall bet or wager any money or other thing of value at any of the following games, viz.: Poker dice, jack pot, high dice, high die, low dice, dominoes, poker with dominoes, muggins, crack-loo, clack-or-loo or at any game of any character whatever that can be played with dice or dominoes, or at any table or bank or alley, or by whatsoever the name may be known, or matching for money, or anything of value,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with the following amendments:

Amend House bill No. 84 by adding thereto Articles 388a to 388n, inclusive, also Section 3, the emergency clause:

"Article 388a. If any person shall directly or as agent or employe for another or through any agent or agents keep or exhibit, or shall be in any manner interested in keeping or exhibiting at any place for the purpose of gaming, any policy game, any gaming table or bank of any name or description whatever, or any table or bank for the purpose of gaming which has no name or any slot machine, any pigeon hole table, any Jenny Lind table, tenpin alley or table or alley of any kind whatsoever, regardless of the name or whether named or not, or of the number of pins, balls, or rings used for gaming, shall be guilty of a felony and upon conviction shall be punished by confinement in the penitentiary not less than two nor more than four years, regardless of whether any of the above mentioned games, tables, banks, alleys, or slot machines are licensed by law or not; provided, that any such alley shall be considered as used for gaming, if the table fees, alley fees, or money or anything of value is bet thereon.

"Article 388b. If any person shall rent to another or shall keep or be in any manner interested in keeping, any room, or place for the purpose of being used as a place to bet or wager, or to gamble with cards, dice, dominoes, or to keep or exhibit for the purpose of gaming, any bank, table, alley, machine or device whatsoever, or as a place where people resort to gamble, bet or wager upon anything whatever or shall knowingly permit property of which he is owner, or which is under his control to be so used, shall be guilty of a felony and upon conviction shall be punished by confinement in the penitentiary not

less than two nor more than four years, regardless of whether any of the above mentioned games, tables, banks, alleys, machines, or devices, or things are licensed by law or not and any place or device shall be considered as used for gaming or to gamble with or for betting or wagering, if any fees, money, or anything of value is bet thereon, or if same is resorted to for the purpose of gaming or betting.

"Article 388c. If any person shall bet or wager at any gaming table or bank of other thing mentioned in this act, or shall bet or wager upon anything in any place to which people resort for the purpose of betting or wagering, he shall be punished by a fine of not less than ten nor more than twenty-five dollars.

"Article 388d. If any person shall, in any manner, aid in equipping or furnishing any gaming house, or place where people resort for the purpose of gaming, wagering or betting he shall be punished by confinement in the county jail for a period of not less than thirty nor more than ninety days.

"Article 388e. If any person shall knowingly permit any gaming paraphernalia, table or device or equipment of a gaming house, of any character whatever, to remain in his possession or on premises under his control or of which he is owner, he shall be punished by confinement in the county jail for a period of not less than thirty days nor more than one year.

"Article 388f. If any person shall go into or remain in any gambling house, knowing the same to be such, or shall remain in any place where any of the games prohibited by this act are, within his knowledge, being played, dealt or exhibited, he shall be punished by a fine of not less than twenty-five nor more than fifty dollars. Gaming house and gambling house, as used in this act, is meant any place where people resort for the purpose of gaming, betting or wagering.

"Article 388g. Whenever it shall come to the knowledge of any sheriff, constable, police officer or other peace officer, by affidavit of a reputable citizen, or otherwise, that any of the provisions of this act are being violated, it shall be the duty of such officer to immediately avail himself of all lawful means to suppress such violation, and he shall be authorized by any search warrant that is issued by virtue of this act to enter any house, room or place to be searched, using such force as may be necessary to accomplish such purpose.

"Article 388h. Upon the filing with any justice of the peace, county judge,

or any other magistrate an affidavit in writing, made by a reputable citizen that gaming, betting or wagering, as prohibited by this act, is being conducted in any place, describing such place sufficiently to identify same, it shall be the duty of such officer, with whom said affidavit is filed, to immediately issue a warrant commanding the peace officer to whom the same is directed, to immediately enter and search such place, and in the event said place is a gambling house, as defined in this act, to arrest all parties found therein, or making their escape therefrom and to take possession of any gambling paraphernalia found therein, and it shall be the duty of such officer to immediately take the persons arrested before the nearest magistrate.

"Article 388i. The existence of any gambling house or gaming table or bank or gaming paraphernalia or device of whatever kind or character and all equipments of such gambling house, is hereby declared to be against public policy and the same is hereby declared to be a public nuisance and no suit shall be brought or maintained in any of the courts of this State for the recovery of same or of any insurance thereon or of any judgment for damages, by reason of any injury to, or the destruction of same.

"Article 388j. The use of any house, property or premises, by any tenant or lessee for any purpose made unlawful by this act, shall terminate all rights and interest of such tenant or lessee in same, and shall entitle the owner thereof to immediate possession of said house, property, or premises.

"Article 388k. It shall be the duty of every sheriff, constable, police officer or other peace officer to seize and take into his possession all gaming tables, devices and other equipments of gambling houses the existence of which has come to his knowledge and to immediately file with the justice of the peace or county judge a list in writing of the property seized and shall designate the place where same was seized, and the owner of same, or person from whom possession was taken. Thereupon it shall be the duty of said justice of the peace or county judge to note same upon his docket and to issue a notice in writing to the owner or party in whose possession the articles seized were found, commanding him to appear at a designated time, not earlier than five days from the service of such notice, and show cause why such articles should not be destroyed. If personal service can not be had upon the party to whom same is directed, a copy of said notice may

be posted for not less than five days, either upon the court house door or upon the building or premises from which the property seized was taken.

"Article 388l. If upon a hearing of the matter referred to in the preceding section, the justice of the peace or county judge before whom the cause is pending, shall determine that the property seized is a gaming table, or bank, or is used as equipment for a gambling house, he shall order same to be destroyed; any part of same may, by order of the court, be held as evidence until a disposition of the matters for which it is held. Property not of that character or not so used shall be ordered returned to the party entitled to possession of the same. It shall be the duty of the officer, within not less than fifteen nor more than thirty days, to destroy all property, the destruction of which has been ordered by the court, unless the owner, lessee, or person entitled to possession under this act, shall before the destruction of said property file a suit to recover same.

"Article 388m. Any person having an interest in or entitled to possession of any property seized under this act, shall have the right by filing suit in the court having jurisdiction of the amount involved, at any time before the destruction of such property, as in ordinary civil cases, to try the issue of whether or not such property is a gaming table, or bank, or device, or was used as equipment or paraphernalia of any gambling house, and his right to recover the possession of the same, and to maintain any other character of suit not inconsistent with this act; and it shall be the duty of the officer having said property in his possession after notice of the pendency of said suit has been served upon him to safely keep said property pending said suit.

"Article 388n. In any indictment or information for keeping or exhibiting a gaming table or bank, it shall be sufficient to state that the person accused kept a table or bank for gaming or exhibited a table or bank for gaming without giving the name or description thereof, and without stating that the table or bank or gaming device was without any name or that the name was unknown, and it shall not be necessary in any prosecution to prove that money or other articles of value was won or lost thereon.

"Section 3. The prevalence of gaming in this State in defiance of good morals and of a sound public policy, and the inadequacy of the statutes of this State to suppress the evil, creates an

imperative public necessity requiring a suspension of the constitutional rule requiring bills to be read on three several days, and the said rule is hereby suspended and this act shall take effect and be in force from and after its passage, and it is so enacted."

Amend by adding the following after the last line of the House bill No. 84 (Art. 388),

"But provided that no banking game played with cards or dominoes shall be exempted from the provisions of this act on account of being played at a private residence occupied by a family."

Amend the enacting clause of the House bill No. 84, Section 1, by adding after the word "follows," the following: "And that Articles 388a, 388b, 388c, 388d, 388e, 388f, 388g, 388h, 388i, 388j, 388k, 388l, 388m and 388n be added to read as follows:"

Amend the caption of House bill No. 84 by adding thereto the following:

"Also by adding to said code Articles 388a, 388b, 388c, 388d, 388e, 388f, 388g, 388h, 388i, 388j, 388k, 388l, 388m and 388n, making it a felony punishable by confinement in the penitentiary for any person directly, through an agent, or as agent for another, to keep any house or place to gamble with cards, dice, dominoes, or upon anything whatever, or where people resort for such purpose or exhibit for the purpose of gaming, any table, bank, alley, machine or device whatsoever; or to rent or keep any such place, table, bank, alley, machine or device whatsoever, for the purpose of gaming, providing for the search for, and the seizure of any gambling paraphernalia and its destruction, and generally to suppress gambling, repealing all laws in conflict herewith, and declaring an emergency."

LOONEY, Chairman.

Committee Room,

Austin, Texas, February 25, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

House bill No. 162, A bill to be entitled "An Act defining commission merchants, requiring such merchants to give bond, imposing a penalty for pursuing the occupation of commission merchant when bond has not been made; providing that suits may be brought on such bonds, fixing the venue of such suits, repealing all laws in conflict, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommen-

dation that it do pass, with the following amendments; that is to say, that the following language, from Section 3 of the bill be stricken out, to wit: "Provided the venue of such suit may be laid in the county where plaintiff resides, and."

LOONEY, Chairman.

Committee Room,
Austin, Texas, February 25, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 195, A bill to be entitled "An Act to amend Article 1092 of the Code of Criminal Procedure so as to provide that the testimony of all the material witnesses be reduced to writing and properly sworn to and not otherwise,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

LOONEY, Chairman.

Committee Room,
Austin, Texas, February 25, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was recommitted

Senate bill No. 15, A bill to be entitled "An Act on the subject of private corporations, prescribing the terms and conditions on which they may be chartered, the contents of the charter, their duties and the duties of their directors, officers and agents; and certain limitations and restrictions on their powers and the powers of their officers, directors and agents; prescribing terms and conditions under which their capital stock may be increased and decreased, and providing for their dissolution, and generally providing rules and regulations for their government and the conduct of their business; also prescribing the terms and conditions under which foreign corporations may be granted permits to do business in Texas, and the circumstances under which the permit is forfeited, also prescribing the duties of such corporations, their officers, directors and agents, and certain limitations and restrictions on their powers; providing suitable forfeitures, penalties, fines and imprisonment for the violation of the provisions of this act, and repealing certain sections and articles of Title XXI of the Revised Statutes of this State,"

After reconsidering the same I am in-

structed by the committee to report the same back to the Senate with the recommendation that it do pass with the following committee amendments, and with the recommendation that the bill be not again printed, but that the amendments proposed by the committee be printed in the Senate Journal:

1.

Amend the printed bill, page 4, Section 4, by striking out all of said section, beginning with the word "provided" in line 19.

2.

Amend the printed bill, page 8, Section 11, by striking out all after the numeral (5), page 28, down to the word "dissolution," line 29, page 9, and insert in lieu thereof, as follows: "In case of failure to make the report here required said corporation shall pay a penalty of \$5 per month for each month, or fractional part thereof, during such delinquency, which may be recovered by the Attorney General or under his direction, in any court of competent jurisdiction in Travis, or in any other county in which such corporation may be properly sued."

3.

Amend the printed bill, page 15, Section 19, by striking out all of subdivision 6, after the word "insolvent," in line six (6).

4.

Amend the printed bill, page 16, by adding to Section 20, after the word "corporation," line 7, the following: "Provided that any sale made of the properties of any such corporation under authority of any court, shall be freed from, or subject to the incumbrances existing thereon, as the court having jurisdiction may order."

5.

Amend the printed bill by adding to Section 24, page 18, line 29, the following: "Provided that where citation is accepted by, or served on the Secretary of State, any judgment by default rendered thereon shall be set aside when it is made to appear that said officer failed to notify such corporation in writing of such acceptance or service, ten full days prior to the return day for said term of court."

6.

Amend the bill, Section 8, page 7, by striking out of line 6 the following language, viz.: "Its authorized capital stock paid in." and insert in lieu there-

of the word "assets," also by striking out of line 8 the words, "capital stock," and insert in lieu thereof the word "assets," also by striking out of line 11 the words "stock outstanding," and insert in lieu thereof the word "assets."

7.

Amend the bill, page 8, Section 10, by writing after the word "trustees," page 4, the following words: "Of domestic corporations."

8.

Amend the bill, Section 11, page 8, by writing after the word "place," in line 14, the following language: "In case of a domestic corporation."

9.

Amend the bill, Section 11, page 8, by writing after the word "transferred," line 25, the following language: "On the books of the company."

10.

Amend the bill, Section 12, page 10, by adding at the end of said section, line 26, the following: "Provided, that the provisions of this section shall only apply to domestic corporations."

11.

Amend the bill, Section 13, page 11, by adding at the end thereof, page 2, the following: "Provided, that the provisions of this section shall only apply to domestic corporations."

12.

Amend the bill, Section 14, page 11, by writing after the word "creation," page 6, the following language: "Or that which is permitted by law"; also by striking out of line 8 the following language: "The product or result of"; also by striking out of same line the word "actually," and insert in lieu thereof the word "reasonably," also by writing after the word "received," in line 10, the word "reasonably."

13.

Amend the bill, page 17, Section 24, second subdivision, by striking out of lines 28 and 29, the following: "The proportion of business to be carried on in Texas," and by striking out of lines 29, 30, 31, the following: "What property and assets with an estimate of the value thereof, will be employed in the State of Texas," also by striking out on page 18, beginning with the word "the" in line 1, down to and including

the word "stated," in line 6, also by striking out of line 8 the following: "A detailed statement of its assets and liabilities, and," and by adding at the end of second subdivision, line 15, after the word "law," the following language: "Provided, that in case the Secretary of State should refuse to grant such permit to a corporation, it shall have the right to file mandamus proceedings in the district court of Travis county, to compel such officer to grant the same, and said court shall have, and is hereby granted authority to compel said officer to grant the permit in case it shows that it is not insolvent or in imminent danger of insolvency, and is not in a trust, monopoly or conspiracy in restraint of trade, and that it has in other respects complied with the provisions of this section."

14.

Amend the bill, page 18, third subdivision of Section 24, by striking out the language beginning with the word "any," line 20, down to and including the word "and" first appearing in line 22, and strike out of line 23, the following: "And each of them," and by striking out, beginning with the word "any," in line 25, down to and including the word "or," first appearing in line 26.

15.

Amend the bill, page 20, Section 31, by adding after the word "discrimination," line 29, the following language: "Provided such sale or sales are intended to destroy and do destroy an existing competition."

16.

Amend the bill, page 19, Section 27, by adding thereto at the end of line 31, the following language: "But Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 19, 20, 21, 22 and 23 of this bill shall have no application to foreign corporations organized for the purpose of accumulating and sending money, or selling goods, wares and merchandise and other articles manufactured exclusively beyond the limits of the State of Texas."

17.

Amend the bill by adding a new section before the last section and renumber sections to conform as follows:

"Section —. Provided, that the provisions of this act shall not apply to any railway corporation over which the Railway Commission of Texas has, or exercises jurisdiction."

LOONEY, Chairman.

Committee Room,

Austin, Texas, February 25, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 142, A bill to be entitled "An Act to amend Section 1, Chapter 9, of the General Laws of the State of Texas, passed at the Special Session of the Twenty-fifth Legislature of the State of Texas, entitled 'An Act to fix the venue and regulate the proceedings in prosecutions for rape,' and to provide that the county in which such crime is charged to have been committed shall bear the expense of such prosecutions,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

LOONEY, Chairman.

Committee Room,

Austin, Texas, February 25, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 204, A bill to be entitled "An Act to amend Title XIII, Chapter 1, of the Penal Code of the State of Texas, by adding thereto Article 482a, providing the manner in which traction engines and separators shall be transported or carried over any public bridge or culvert upon any public road or highway, or any street or alley in any incorporated town or city, and providing a penalty for the violation thereof, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

LOONEY, Chairman.

Committee Room,

Austin, Texas, February 25, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 84, A bill to be entitled "An Act making it a misdemeanor to abandon or wilfully neglect to provide for the support and maintenance, by any person, of his wife, or of his or her minor children in destitute or necessitous circumstances, and to empower the court to make disposition of any fine that may be imposed or recognition forfeited, and providing for the practice and evidence in such cases."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

LOONEY, Chairman.

Committee Room,

Austin, Texas, February 25, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

House bill No. 92, A bill to be entitled "An Act amending Title XVIII, Chapter 13, Article 1010, of the Penal Code, relating to offenses by railway officials or against railway companies,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

LOONEY, Chairman.

Committee Room,

Austin, Texas, February 25, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

House bill No. 73, A bill to be entitled "An act to prevent the drinking of intoxicating liquors on passenger trains and coaches in this State,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

LOONEY, Chairman.

Committee Room,

Austin, Texas, February 25, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 95, A bill to be entitled "An Act to provide for the appointment and qualifications of auditors for the various counties and judicial districts of the State; providing for the manner of appointment, the duties of said officers, the compensation allowed, general provisions of a complete auditing system, duties of all officers and institutions in connection therewith, providing penalties for failure to comply with the act; making this act cumulative of other provisions in the present laws, and repealing all laws and parts of laws in conflict herewith, and adding an emergency clause,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

LOONEY, Chairman.

Committee Room,
Austin, Texas, February 25, 1907.
Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 152, A bill to be entitled "An Act defining 'burglary with explosives,' prescribing penalties for the commission thereof, and declaring an emergency,"

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass.

LOONEY, Chairman.

Committee Room,
Austin, Texas, February 25, 1907.
Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

House bill No. 216, A bill to be entitled "An Act regulating bail in criminal cases, and relating to mode of trial of the defendant in prosecutions for felonies, with an emergency clause,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

LOONEY, Chairman.

Committee Room,
Austin, Texas, February 25, 1907.
Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

House bill No. 29, A bill to be entitled "An Act to amend Article 939, Title XVII, Chapter 16, of the Penal Code of the State of Texas, passed at the Regular Session of the Twenty-fourth Legislature of Texas, 1895, relating to embezzlement by factor or commission merchant,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

LOONEY, Chairman.

Committee Room,
Austin, Texas, February 25, 1907.
Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

House bill No. 299, A bill to be entitled "An Act to require corporations and their officers to permit the Attorney General or his assistant to examine all books, rec-

ords, documents, etc., of such corporation, to take copies of same, in certain cases, making it a misdemeanor, and prescribing punishment therefor for failure to comply with this act, and providing for forfeiture of charter and cancellation of permits of corporations for failure to comply therewith, fixing venue, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

LOONEY, Chairman.

Committee Room,
Austin, Texas, February 25, 1907.
Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 49, A bill to be entitled "An Act to prohibit the selling, giving or delivery of any spirituous, vinous or intoxicating liquors to any person under the age of twenty-one years, without the written consent of the parent or guardian of such minor or some one standing in their place or stead, and to prohibit the causing of or being instrumental in any such sale, gift or delivery, and to prohibit the agents of any express company or common carrier from knowingly making such sale, gift or delivery, or causing the same to be done or being interested therein, and providing penalties therefor."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with the following amendment; that is, change the word "employed," in eighth line from the bottom of the section, to "employee."

LOONEY, Chairman.

Committee Room,
Austin, Texas, February 25, 1907.
Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 91, A bill to be entitled "An Act to define who are peddlers, and declaring all persons who go from house to house and place to place making a sale of or offering to sell merchandise, by retail or taking orders or offering to take orders for the future delivery of merchandise, regardless of the mode and the manner of delivery, providing for the mode and manner of obtaining and the issuance of license and keeping a record of same, levying an occupation tax on such persons, and

providing a penalty for the violation of this act."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

LOONEY, Chairman.

Committee Room,

Austin, Texas, February 25, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 103, A bill to be entitled "An Act to permit a defendant convicted of a felony to enter into a recognizance or bail bond, pending his appeal, and prescribing the requisites of a recognizance or bail bond sufficient to confer jurisdiction upon the Court of Criminal Appeals of such appeals, repealing all laws and parts of law in conflict herewith, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

LOONEY, Chairman.

Committee Room,

Austin, Texas, February 25, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

House bill No. 22, A bill to be entitled "An Act to define and prohibit and punish lobbying,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

LOONEY, Chairman.

Committee Room,

Austin, Texas, February 25, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

House bill No. 81, A bill to be entitled "An Act relating to the collection of costs and witness' fees by county and precinct officers of the State of Texas, defining the fees collected, requiring report of same, prescribing the final disposition thereof, providing a penalty for the violation of this act, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

LOONEY, Chairman.

Committee Room,

Austin, Texas, February 25, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

House bill No. 50, A bill to be entitled "An Act to amend Article 228 of Penal Code of the State of Texas, so as to make it unlawful for any person to aid in the escape of a prisoner who has been convicted of a felony,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

LOONEY, Chairman.

Committee Room,

Austin, Texas, February 25, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 115, A bill to be entitled "An Act to amend Article 471 of the Code of Criminal Procedure,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

LOONEY, Chairman.

(Floor Report.)

Committee Room,

Austin, Texas, February 26, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 169, A bill to be entitled "An Act making it a misdemeanor for a man to wilfully or negligently fail or refuse to provide for the support of his family, and to fix penalty therefor, and to provide for the maintenance of his family while he is being punished,"

Have had the same under consideration, and we report it back to the Senate with the recommendation that it do pass.

Looney. Alexander, Paulus, Terrell, Greer. Barrett, Watson, Cunningham

Committee Room,

Austin, Texas, February 22, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 108, A bill to be entitled "An Act requiring railroad companies, when their lines are contiguous

or approach one another under certain conditions, to construct connections for the interchange of freight, cars and tonnage; defining when it is an abuse not to do so; and requiring them to connect, when ordered to do so by the Railroad Commission; providing the power of condemnation for said purposes; and giving the Railroad Commission power to require the construction of such connecting tracks."

And find the same correctly engrossed.
CUNNINGHAM, Chairman.

Committee Room,
Austin, Texas, February 22, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate Joint Resolution No. 12, To amend Section 51 of Article 3 of the Constitution of the State of Texas, as amended in 1903, so as to authorize the grant of aid in the establishment and maintenance of a home for the disabled and dependent wives and widows of Confederate soldiers and sailors, and such women as aided the Confederacy, and making an appropriation,

And find the same correctly engrossed.
CUNNINGHAM, Chairman.

Committee Room,
Austin, Texas, February 23, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 203, A bill to be entitled "An Act to incorporate the trustees of the Independent School District of the city of San Antonio, Texas, under the name 'San Antonio School Board,' with power to make contracts, to be a party to actions in courts, to receive gifts, grants, conveyances, donations or devises for use of public free schools of said city and district, and power to levy taxes, to issue and dispose of bonds and provide for payment of same, to borrow money, to appoint depositories for the funds of said board, to adopt text-books, and to do all acts authorized by this law, and providing for an emergency; and repealing an act passed at the Regular Session of the Twenty-eighth Legislature of the State of Texas, Chapter CXXVIII, of the General Laws, incorporating the Independent School District of the city of San Antonio; and repealing an act passed at the Regular Session of the Twenty-ninth Legislature of the State of Texas,

Chapter 96, of the General Laws, entitled 'An Act to amend Section 17 of an act incorporating the trustees of the Independent School District of the city of San Antonio, Texas, passed at the Regular Session of the Twenty-eighth Legislature of the State of Texas, Chapter CXXVIII, of the General Laws, and declaring an emergency,"

And find the same correctly engrossed.
CUNNINGHAM, Chairman.

Committee Room,
Austin, Texas, February 22, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 196, A bill to be entitled "An Act to restore and confer upon the county court of Lipscomb county, Texas, the civil and criminal jurisdiction heretofore belonging to the said court under the Constitution and General Laws of the State, and to conform the jurisdiction of the district court of said county to such change, and to repeal all laws in conflict with this act."

And find the same correctly engrossed.
CUNNINGHAM, Chairman.

Committee Room,
Austin, Texas, February 22, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 171, A bill to be entitled "An Act to amend Section 53, Article 642, Chapter 2, Title XXI, of the Revised Statutes of Texas, and to validate certain bonds issued by terminal railway companies,"

And find the same correctly engrossed.
CUNNINGHAM, Chairman.

THIRTY-SEVENTH DAY.

Senate Chamber,
Austin, Texas.

Wednesday, February 27, 1907.

Senate met pursuant to adjournment.
Lieutenant Governor A. B. Davidson in the chair.

Roll call, quorum present, the following answering to their names:

Alexander.	Faust.
Barrett.	Glasscock.
Brachfield.	Green.
Chambers.	Greer.
Cunningham.	Griggs.